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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,456	04/02/2004	Geoffrey B. Rhoads	P0965	1643
23735	7590	01/24/2006	EXAMINER	
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/817,456

Applicant(s)

RHOADS, GEOFFREY B.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,10,11,13-15,18 and 21-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5,10,11,13-15,18 and 21-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12012005.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Receipt is affidavits filed on 12/27/2005.
2. Receipt is acknowledged of IDS and amendments filed on 12/1/2005.
3. Claims 1-5, 10, 11, 13-15, 18 and {new claims} 21-25 are presented for examination.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 10, 11, 13, 15, 18, 21-23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al. (U.S. 6,283,375) in view of Kitano et al. (U.S. 5,926,116).

Re claims 1, 15, 22 and 24: Wilz, Sr. et al. {hereinafter referred as "Wilz"} discloses automatically-activated hand-supportable laser scanning bar code symbol reading system with data transmission activation switch, which includes means of using a handheld appliance {herein described as the hand-supportable 79 as shown in figs. # 3A, D, E; and hand-held 131 as shown in figs. # 6 A-C}, receiving machine-readable digital data {herein interpreted as barcode symbol 138 and 652 as shown in figs. # 6 and 39 respectively} from a medium 660 (col.), and by reference to the machine-readable data 138/652 received from the medium 660, establishing a link {through link 134, and wherein the barcode may be encoded with information of a specified data type, such information can represent the URL of a Web page to be accessed by the Internet Scanning Terminal; audio and video information; the identity of a product or object; or any type

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of information that serves to identify an object, specify a process, or specify the location of an object, on an information network or in a system} to a remote computer (col.44, lines 7-67). Wilz further discloses a trigger/switch for communicating the address to download the content {music} to a user (col.27, lines 40+).

Wilz fails to specifically teach that the medium is a poster with visible information in addition to the machine-readable data.

Kitano teaches a poster 41 {as shown in fig. # 6}, and visible information {such as “Restaurant Taxim de Paris”} (col.5, lines 21+).

In view of Kitano’s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time he invention was made to employ into the teachings of Wilz a poster with additional visible information for promotional advertisement. Furthermore, a poster like any other medium {such as a flyer, magazine, billboard or the bar code menu 660 as disclosed by Wilz and shown in fig. # 39 A-C} wherein information is printed thereon does not functionally different one from the other and does not alter reading of the encoded data printed thereon, only provides a means of a product/goods and promotional business {such as music, movies, and the like}. Moreover, such modification would have been an obvious extension as taught by Wilz, therefore an obvious expedient.

Re claim 2: Wilz as modified by Kitano teaches a system and method, wherein the appliance is a wireless device (as shown in figs. # 6 A-C).

Re claim 3: Wilz as modified by Kitano discloses a system and method, wherein the appliance 131 is a {transportable} computer (col.44, lines 16+).

Re claim 4: Wilz as modified by Kitano teaches a system and method, wherein the appliance comprises an optical sensor {herein interpreted as photo-receiver 385} (col.80, lines 28+).

Re claim 5: Wilz as modified by Kitano discloses a system and method, in which the appliance includes an output device {herein data-output display 582}, and the method includes presented information to a user based on data obtained from the remote computer using the output device (col.113, lines 16+).

Re claims 10-11: Wilz as modified by Kitano teaches a system and method, further includes communicating over the link {herein RF link 134, as shown in figs. # 6 A-C} to cause the electronic content to be transferred, in which the electronic content comprises a song {herein as broadly interpreted, Wilz teaches audio information encoded within the HTML-encoded information} (col.52, lines 35+).

Re claim 13: Wilz as modified by Kitano discloses a system and method that includes receiving data from the medium using optical sensing (col.74, lines 40+; col.80, lines 10+).

Re claims 18 and 21: Wilz as modified by Kitano teaches a system and method, further includes determining, at said remote database, a URL corresponding to said machine- readable data, and transmitting data identifying said URL to the appliance; and at said appliance, fetching information from said URL, and wherein said digital data comprises first and second data fields, one of said fields serving to identify an internet address, and a second of said fields serving to convey identification data that can be passed to said internet address to elicit a response corresponding to said poster (col.44, lines 10+; col.51, lines 50+; col.52, lines 1-50).

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6. Claims 14, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al. (U.S. 6,283,375) as modified by Kitano et al. (U.S. 5,926,116) above in claim 1, and further in view of Shear et al. (US 2001/0042043).

The teachings of Wilz as modified by Kitano have been discussed above.

Wilz as modified by Kitano fails to teach means of steganographically encoding the machine-readable in artwork printed on the medium.

Ratnakar teaches watermarking with random zero-mean patches for printer, which includes means of steganographically encoding the machine-readable in artwork printed on the medium (see the abstract of Ratnakar).

In view of Ratnakar's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time he invention was made to employ into the teachings of Wilz as modified by Kitano means of steganographically encoding the machine-readable in artwork printed on the medium so as to embed watermark. Furthermore, such modification would provide a security feature whereas to store the data of the variable portion with images or other data structures. Moreover, such modification would have been an obvious extension as taught by Wilz as modified by Kitano.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clements (UK 2,258,424) discloses printed matter, containers or posters with electronics sound productions.

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Freedman et al. (US 2002/0083123) teaches system and method for accessing resources from encoded source data.

Sellen (US 2003/0019939) discloses data acquisition and processing system and method.

Akiyama (US 2003/0066892) teaches system for reading text display information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
January 23, 2006



**THIEN M. LE**  
**PRIMARY EXAMINER**